

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYSHAWN SMITH : CIVIL ACTION NO. 1:CV-12-1829  
Petitioner : (CHIEF JUDGE KANE)  
v. : (Magistrate Judge Carlson)  
COMMONWEALTH OF :  
PENNSYLVANIA :  
Respondents :  
:

**ORDER**

Before the Court in the captioned action is a September 13, 2012 report of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Petition for Writ of Habeas Corpus is **DISMISSED**, without prejudice, and a certificate of appealability will not issue.
- 3) The Clerk of Court shall close the file.

s/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: October 09, 2012